SHRI N. E. BALARAM: Madam, it has appeared in the newspapers, I do not know whether it is true or not, that the World Bank has suggested to Government of India to give more autonomy to the SAIL and the Government of India has accepted that proposal. Is it a fact or not, to give more autonomy to the SAIL, including getting shares from the private market and getting credit from the pruivate market to give more autonomy to the SAIL? Was it accepted by the Government of India? Is it a fact?

SHRI EDUARDO FALEIRO: No such recommendation was accepted by the Government of India.

SHRI BIR BHADRA PRATAP SINGH: To bring it within the parameter of the Ministry of Finance, since many of the Ministers had started talking about privatisation whether in order to forego the losses of Rs. 300 crores incurred by the SAIL and growth of efficiency as in the U.K. and Japan, because the budgetary support for recurring losses will be saved and revenue would grow, would you consider the question of privatisation at any stage?

SHRI EDUARDO FALEIRO: I have said, Madam, that SAIL and the Ministry of Industry are taking steps to modernise and update the technology and restructure comprehensively the steel industry. As far as the other question is concerned, this question is limited. It is limited in the context of the Finance Ministry and the larger question regarding restructuring of the steel industry will not be within our competence

*383. [*The questioner (Shri Rasheed Masood) was absent. For answer,* vide *col.* 32-33 infra.]

Stoppage of work in the Delhi Courts

@*384. SHRI MUKHTIAR SINGH MALIK:†

SHRIMATI RENUKA CHOWDHURY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the work in the Delhi Courts has been paralysed since January, 1988;

(b) if so, what are the reason therefor;

(c) what are the details of the demands of the lawyers; and

(d) what is Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) to (d) A statement is laid on the Table of the House.

Statement

The lawyers of Tis Hazari Courts went on strike following the arrest of one Shri Rajesh Kumar Agnihotri on 15.1 1988 and his subsequent handcuffing at the time of his production before the Magistrate on 16.1.1988. Subsequently other Bar Associations in Delhi also joined in this strike.

@Previously Starred Question 224, transferred from the 10th March, 1988.

†The question was actually asked on the floor of the House by Shri Mukhtiar Singh Malik.

2. The demands of the lawyers included the following:

(i) Institution of a judicial enquiry into the reported lathi charge on 21.1.88 outside the office of the DCP/North District and the incident of mob violence at Tis Hazari on 17.2.88.

(ii) Suspension of DCP North District.

(iii) Shifting of all offices of Police Department from Tis Hazari Courts.

3. The Administrator of Delhi has already ordered a judicial inquiry by a Committee consisting of two sitting Judges of Delhi High Court. The Committee, which has been given powers under the Commission of Inquiry Act, 1952 has been requested to ascertain the facts leading to the aforesaid incidents with a view to identifying those responsible for the incidents so that stringent action could be taken against all those responsible and may, if it deems appropriate, submit an interim report within 7 days of its first sitting suggesting action, if any, against police officials or any other involved persons pending submission of the final report within a period of 3 months.

4. The offices of the North District police headquarters have already been shifted from Tis Hazari Courts complex.

SHRI MUKHTIAR SINGH MALIK: Madam Deputy Chairman, you very well know and the whole of the House knows that the lawyers in Delhi have been on strike since last two months, not only in Delhi but in the neighbouring States as well. Madam, it is a very sad commentary upon the incidents in the history of the legal profession. Perhaps the hon. Minister will join me in saying that this is a very noble profession, as he himself belongs to this profession. But the wrath of the Delhi Police did not even spare the hon. members of this profession. What to speak of lawyers, even the judicial officers were not spared, and they had to bear the brunt of lathi-charge and brutal attack of police, while the peaceful lawyers were seeking refuge in the court-rooms. That was very sad. Now, not stretching the point further, I would like to ask the hon. Home Minister whether the Government ever tried to know as to who had ordered the lathi-charge on the peaceful lawyers when they demonstrated on 21st January against hand-cuffing of their colleague in front of the office of the Deputy Commissioner (North). I would also like to know from the hon. Minister as to how many lawyers sustained injury — not only the lawyers, but even the judicial officers.

SHRI P. CHIDAMBARAM: Madam, on the 31st January, 1988, while representatives of lawyers were holding discussions with the Lt. Governor, a large number of lawyers went to the office of the Deputy Commissioner of Police, North District, situated at Tis Hazari courts. There was some violence and there was a lathicharge. A number of people were injured, including lawyers, policemen and a few members of the press. The matter is under enquiry. As the hon. Members are aware, initially a magisterial enquiry was ordered; subsequently, a retired judge was appointed to hold the enquiry, and now after several weeks, and after discussing the matter at various levels, we have ordered an enquiry by two sitting judges of the Delhi High Court. This has brought about a certain amount of satisfaction among sections of lawers, while some sections still remain unreconciled. At this stage, it would not be proper on my part to say who ordered the lathi-charge and who is responsible for all this. These are matters which are under enquiry. The commission has fixed its first public hearing on 30th March, 1988. They have already issued notices to various

people. I would most humbly appeal to hon. Members, through you, that since the first public hearing is scheduled to take place on the 30th March, 1988, and the commission has offered to submit its interim report within seven days of its first sitting, we should not make any comments on what happened in the past, which was very unfortunate, and we should await the report of the commission if they choose to submit an interim report within seven days of their first hearing.

SHRI MUKHTIAR SINGH MALIK: It is very sad that the hon. Home Minister has sought a very convenient shield to take refuge behind this enquiry. The work in the courts has been suffering for so long; arrears have been accumulating. I cannot think of any reason as to why the Government should stand on prestige in these matters. It is a very sensitive matter. Why should the Government stand on prestige? Firstly, there was a magisterial enquiry; subsequently an enquiry by the High Court judges without vesting any powers in them. The matter has been taken up in the Supreme Court. And as a result of the observations made by the hon. Judges of the Supreme Court the Administrator of Delhi has chosen to give them powers of holding an inquiry under the Commissions of Inquiry Act, Madam, this is just like an example that बकरी दूध तो देती हैं, मगर मींगन करके देती हैं ।

When our Prime Minister has time and again said that any man, howsoever high he may be, shall be punished if he commits any offence, why this delay of two months has teken place for institution of this enquiry, I do not know.

I would like to know from the hon. Home Minister whether any threats have been extended to the striking lawyers by the advocates on record that in case they continued to take part in the strike, they would not be provided with work in the Supreme Court or in the High Courts. I would also like to know how many States have been affected by this strike.

SHRI P. CHIDAMBARAM: Madam, Government did not and do not stand on prestige. All I can say is that the lawyers themselves were divided. They had, at various points of time, raised various demands. Their leadership changed from time to time and it was very difficult to find out a way to solve the problem. Every time Government came forward with a solution which was accepted by a section, it was not accepted by another section. As a said earlier, by and large, the lawyers have accepted the inquiry by two sitting Judges which is under progress. I hope the section which remains unreconciled to this decision will accept it so that the enquiry can proceed.

Madam, I am not aware of any threat by advocates on record about withholding briefs to lawyers who practise in the Supreme Court. I think these threats should be taken to be what they are. If these threats have been made, I am sure the lawyers will find a way to tackle it among themselves.

Once again I appeal that we should allow the enquiry to go on and we should not say anything wnich will prejudice the enquiry.

WELCOME TO THE ITALIAN PARLIAMENTARY DELEGATION

THE DEPUTY CHAIRMAN: Hon. Members, I have an announcement to make. We have with us this morning, seated in the Special Box, Members of the Italian Parliamentary Delegation which is currently on a visit to our country under the distinguished leadership of Senator

Giovanni Berlinguer. The other Members of the Delegation are:

1. Senator Caludio Vitalone
2. Mr. Angelo Cresco, M.P.
3. Mr. Stelio De Carolis, M.P.
4. Mr. Raniero La Valle, M.P.

On behalf of the Members of the House and on my own behalf, I take pleasure in extending a very hearty welcome to the leader and other Members of the Delegation and wish our distinguished guests a very enjoyable and fruitful stay in our country. We hope that during their stay here they would be able to see and learn more about our parliamentary system, our country and our people and their visit to this country will further strengthen the friendly bonds that exist between us. Through them we convey our greetings and best wishes to the Members of the Italian Parliament and the friendly people of Italy.

ORAL ANSWERS TO QUESTIONS— Contd.

SHRI MUKHTIAR SINGH MALIK: Madam, I want to invite your attention to the fact that the hon. Minister has not thrown any light on the delay of two months.

THE DEPUTY CHAIRMAN: Shri mati Renuka Chowdhury. आपके दो सवाल हो गए हैं। दूसरे मेंबर को भी पूछना है।

SHRI MUKHTIAR SINGH MALIK: Madam, he has not replied to my question. You should ask the hon. Minister that he should at least answer my supplementary.

THE DEPUTY CHAIRMAN: Shri Anand Sharma. आपने दो पूछ लिए न?

SHRI ATAL BIHARI VAJPAYEE: Madam, he has asked a specific question. That question has not been replied by the Minister.

THE DEPUTY CHAIRMAN: That has been replied. दो पूछ सकते हैं।

SHRI MUKHTIAR SINGH MALIK: How has it been replied? What about the delay?

THE DEPUTY CHAIRMAN: You repeat your question.

SHRI MUKHTIAR SINGH MALIK: Why did the Government take two months in instituting this regular enquiry? And how many States have been affected as a result of this strike by lawyers?

SHRI ATAL BIHARI VAJPAYEE: That is a very pertinent question.

SHRI P. CHIDAMBARAM: Madam, I have tried to answer the question.

SHRI ATAL BIHARI VAJPAYEE: You try again.

SHRI P. CHIDAMBARAM: I will try harder. Madam, the first magisterial inquiry was ordered on the 21st of January, 1988. That did not satisfy a section of the lawers. Then after further discussions and consultations, another inquiry was ordered by a retired Judge of the Delhi High Court, Mr. Justice P. N. Khanna, on the 9th of February, 1988. While a section of the lawyers accepted it, another section of the lawyers did not accept it. There were further discussions, further consultations and finally, as a final solution to the problem, an inquiry has been ordered by two sitting Judges of the Delhi High Court on the 23rd February, 1988. But what we find today is that a small section of lawyers is unreconciled even to this inquiry. There is really no delay, Madam. At every stage, we have tried to consult as wide a section as possible, but, as I said earlier, the lawyers themselves are divided. The lawyers of Tis Hazari, of Delhi

High Court and Supreme Court, have spoken in different voices at different times. We have tried to find a solution and in the process of finding a solution, we have moved from stage to stage. So it will not be correct to call it delay. It is an effort to find a solution, an effort which did not bear fruit for quite a long time. Now I hope with this enquiry this controversy would come to an end.

SHRI ANAND SHARMA: Madam, whatsoever has been happening...

SHRI MUKHTIAR SINGH MALIK: What about States? How many States in the country have been affected as a result of this strike by lawyers? He has not given any reply to that question.

THE DEPUTY CHAIRMAN: You have the number of States affected?

SHRI P. CHIDAMBARAM: I do not have the exact number of States which were affected because in various States sections of lawyers have stayed away and sections of lawyers have participated. If the hon. Member desires to know exactly in each State how many lawyers have gone on strike, I will have to collect the information.

SHRI V. NARAYANASAMY: You can give the number of States affected.

SHRI PARVATHANENI UPENDRA: Is it less than 25?

SHRI P. CHIDAMBARAM: Madam, I cannot say because it will not be proper for me to give any number unless I collect the information from various States.

SHRI ANAND SHARMA: Madam Deputy Chairman, whatsoever has been happening to the legal profession is indeed unfortunate. For the last two months, it is not only the Government which has been concerned but the common men also, as they are suffering an avoidable delay in justice. Thousands and thousands of litigants in the subordinate courts, High Courts and for quite some time in the Supreme Court also have suffered because of this strike. While welcoming the statement of the Minister and the decision of the Government to institute a Commission of Inquiry which, we hope, will unravel the exact reasons for this strike and the violence which has been there, I would like to ask the Minister about the two incidents during this strike. One was a decision of the Supreme Court lawyers to decide by ballot whether to continue the strike or not and some people snatched away those ballot boxes and ran away. Now, the second incident...

SHRI ATAL BIHARI VAJPAYEE: It is not relevant.

SHRI ANAND SHARMA: It is very much relevant.

The second incident was when the lawyers were prevented by fellow lawyers or outsiders from entering the courts, from discharging their duties. It is the element of violence which has entered into the strike, and we have one of our colleagues as a victim of that violence. There have been pictures published in the newspapers in which the identity of the assaulters can be clearly ascertained as to who are the people who have indulged in this assault. Also, the politicising of the agitation must be condemned. These are acts which are unbecoming of the members of such a noble profession. While we condemn the violence by the police against the lawyers, I would also like to condemn the violence against the lawyers by outsiders or by supposedly lawyers themselves. Is any action being taken againt those who were responsible for this assault on the lawyers? Have any cases been registered or complaints made?

SHRI GHULAM RASOOL MATTO: Madam, they have been "shot."

SHRI P. CHIDAMBARAM: Madam, as I said earlier, cases have been registered regarding the incident near the office of the Deputy Commissioner of Police, North District in Tis Hazari Court on the 21 January, 1988. Cases have also been registered regarding the incident of 17th February, 1988 when certain persons came to the Tis Hazari Court and there was violence there.

SHRI ATAL BIHARI VAJPAYEE: Who brought them there?

SHRI P. CHIDAMBARAM: If the Chair permits you, please ask the question, not otherwise.

THE DEPUTY CHAIRMAN: Mr. Vajpayee.

श्री अटल बिहारी वाजपेयी : मान्यवर, मैं पहले स्पष्ट कर दूं कि वकीलों के आचरण पर इस समय बहस नहीं हो रही है। वह बहस होगी तो अधूरी होगी। भंडारे साहब तो हमारे बीच में हैं, लेकिन उन पर जिन्होंने हमला किया, वह सदन में नहीं आ सकते। मैं आपके माध्यम से मंत्री महोदय से पूछना चाहता हूं कि वकीलों की एक मांग यह थी कि जिस पुलिस डिप्टी कमिश्नर के इशारे पर पहले पुलिस ने वकीलों पर लाठी चार्ज किया और फिर जिनकी योजना से बाहर वाले आये मंत्री महोदय ने स्वीकार किया है कि बाहर वाले आये, उन्होंने वकीलों की पिटाई की, उस डिप्टी कमिश्नर को सस्पेंड करने के बारे में सरकार ने ऐसा कड़ा रुख क्यों अपनाया। क्या अनेक मामलों में ऐसा नहीं होता कि इंक्वायरी बिठाई जाती है और पेंडिंग रिपोर्ट आफ दि इंक्वायरी कमेटी, वह आदमी सस्पेंड किया जाता है। इस मामले में सरकार ने इस को प्रतिष्ठा का प्रश्न क्यों बनाया है। एक पुलिस डिप्टी कमिश्नर के साथ भारत सरकार ने अपने को इस तरह से क्यों जोड़ा है ?

SHRI P. CHIDAMBARAM: Madam, it is not fair to say that Government is standing on any prestige.

SHRI ATAL BIHARI VAJPAYEE: What else are you doing?

THE DEPUTY CHAIRMAN: Please speak.

SHRI P. CHIDAMBARAM: Madam, the matter has been examined quite carefully. We do not think that Government should take action against the DCP unless there is an enquiry into her conduct and unless there is a *prima facie* conclusion that she was in the wrong. I don't think that it is correct to yield to demands, some of which are clearly political, that the officer should be suspended even before someone finds, *prima facie* that her conduct was wrong. As I have said repeatedly...

SHRI ATAL BIHARI VAJPAYEE: Madam, what happened in the case of Air India? This House discussed that question. The officer was suspended pending an enquiry.

SHRI P. CHIDAMBARAM: Let me answer, Madam. I have great respect for the hon. Member. I have understood his question. To the best of my ability I will try to answer.

Madam, as I have said, two sitting Judges of the Delhi High Court are enquiring into the matter. The terms of reference empower them to submit an interim report within seven days of the first sitting. The first sitting is on the 30th March, 1988. We are now on 22nd of March. Let us observe a little patience, let us wait for the report and let us see what action deserves to be taken.

SHRI ATAL BIHARI VAJPAYEE: Madam, how could there be a fair inquiry, unless the Deputy Commissioner is suspended? (*Interruptions*) Madam, Gautam Kaul was suspended without any inquiry, pending an inquiry.

SHRI PARVATHANENI UPENDRA: When it suits you, you suspend without even an enquiry.

SHRI ATAL BIHARI VAJPAYEE: You are adopting double standards.

AN HON. MEMBER: Why was Mr. Marwah asked to go on leave without an inquiry?

जल संसाधन मंत्रालय में राज्य मंत्री (श्रीमती कृष्णा साही) : वाजपेयी जी, इतना आप महिलाओं से डरते हैं?..

(व्यवधान)

श्री एन० के० पी० साल्वे : यही वजह है आपने अभी तक शादी नहीं की, इसी डर के मारे शादी नहीं की।

श्री अटल बिहारी वाजपेयी : हहोदया, ऐसी महिलाओं से भगवान बचाये ... **(व्यवधान)**

SHRI N. K. P. SALVE: The manner in which the agitation has been carried out by the lawyers, assuming they had a cause for it, is something...

SHRI PARVATHANENI UPENDRA: Assuming?

SHRI N. K. P. SALVE: Assuming for a moment that they had a reasonable cause for the agitation, the manner in which the agitation has been carried out has certainly not added to the prestige of this learned profession. There could have been much greater dignity, much greater restraint in the agitation they have carried out. But so far as the Government is concerned, it is not enough that it acts in a manner which is fair, but its demeanour must also appear to be fair. The hon. Minister is right when he says that you cannot suspend any one unless there is a *prima facie* case of the person being in the wrong. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please, no disturbance.

SHRI N. K. P. SALVE: But what I would like to know from the Minister is whether this officer has embarrassed the Government on occasions other than this. Does she specialise in embarrassing the Government. If the Government did not want to suspend, at least what prevented the Government from shifting her from the scene of action...

SHRI PARVATHANENI UPENDRA: They are going to shift her to the political arena. (*Interruptions*)

SHRI N. K. P. SALVE: ...So that it would have appeared to the people in general that the Government is not insensate to such a widespread agitation of members of a learned profession.

SHRI P. CHIDAMBARAM: Obviously I cannot take this opportunity to debate the merits and demerits of the Officer. The point is the Officer is known for her firmness, integrity and professional competence. (Interruptions) Let me say my due. The Officer is known for her firmness, integrity and professional competence. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: Except that she lacks tact.

SHRI P. CHIDAMBARAM: Whether she was at fault on the 21st of January, 1988 or on any subsequent occasion in the strike, is a matter which I am sure the two learned judges of the Delhi High Court, who are holding the inquiry, will look into and then let us know within seven days of the first sitting.

The hon. Member asked whether the conduct of the particular Officer had embarrassed the Government in the past. This is a matter of opinion. (*Interruptions*)

THE DEPUTY CHAIRMAN: Question No. 385. Shri Pawan Kumar Bansal.

*385. [The questioner (Shri Pawan Kumar Bansal) was absent. For answer, vide *Col.* 33-34.]